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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NICOLE THOMPSON,)	
)	
Plaintiff,)	Case No.: 2:09-cv-1375-PMP-VCF
)	
vs.)	<u>FIFTH STIPULATED AMENDED</u>
)	<u>DISCOVERY PLAN AND</u>
)	<u>SCHEDULING ORDER</u>
TRW AUTOMOTIVE U.S. LLC, a)	
Delaware Corporation licensed)	
in Nevada; DOES I-X, inclusive))	
ROE CORPORATIONS I-X,)	
inclusive,)	
)	
Defendants.)	

Pursuant to LR 26-4, the parties hereby submit this Fifth
Stipulated Amended Discovery Plan and Scheduling Order as
follows:

This is a product liability action arising out of a motor
vehicle collision that occurred on 4/27/07. The Plaintiff

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1 alleges defects in the vehicle's airbag and seatbelt systems and
 2 that as a result of those defects Nicole Thompson sustained
 3 injury and is claiming over \$1,000,000 in medical expenses
 4 alone. The Defendant denies these defects, the amount of the
 5 Plaintiff's claimed medical expenses and the Plaintiff's alleged
 6 injuries.

8 The current Discovery Scheduling Plan and Order was
 9 approved and filed on 12/3/10 (Doc #54). The current discovery
 10 schedule is as follows:

Event	Deadline
Deadline to amend pleadings or add parties	September 16, 2010
Expert Disclosures	November 1, 2010
Rebuttal Expert Disclosures	February 25, 2011
Discovery Cut-off date	June 24, 2011
Parties' Interim Status Report	April 25, 2011
Dispositive Motions	August 8, 2011
Pretrial Order	September 7, 2011

19 However, the parties entered into a Discovery Stay (Doc.
 20 #91), which was signed into Order on 4/27/11 (Doc. # 93) as a
 21 result of various motions filed by both parties. The last of
 22 these motions was ruled upon on 9/28/11. Pursuant to Order
 23 (Doc. #93), the parties must now submit this Amended Discovery
 24 Scheduling Order.

1 To date the parties have been diligently engaging in
2 pretrial discovery. The following is a list of some of the
3 discovery that has been undertaken to date:

- 4 • The parties exchanged FRCP 26(a)(1) Initial Disclosures;
- 5 • Plaintiff has provided supplements to their FRCP 26(a)(1)
6 Initial Disclosures and continues to do so;
- 7 • Plaintiff responded to discovery requests;
- 8 • The Plaintiff has propounded discovery to Defendant, to
9 which Defendant responded. Amended responses were submitted
10 on October 17, 2011, pursuant to this Court's Order (Doc.
11 #114);
- 12 • All counsel has conferred either telephonically or in
13 writing on the completeness of each of the Defendants'
14 discovery responses, those discussions are still ongoing,
15 motions have been filed and ruled upon;
- 16 • Defendant TRW has served non-party subpoenas on several of
17 Plaintiff's medical providers to obtain updated medical
18 records;
- 19 • Former Defendant Autoliv ASP served a non-party subpoena on
20 Chrysler Group and obtained documents in response related
21 to the previous litigation brought by Plaintiffs against
22 Chrysler arising out of the same incident;
- 23 • Former Defendant Autoliv ASP served non-party subpoenas to
24

1 obtain employment and education records related to

2 Plaintiff Nicole Thompson;

- 3
- 4 • The Plaintiff and her parents have been deposed;
 - 5 • Plaintiff has deposed a FRCP 30(b)(6) representative from
 - 6 the Defendant;
 - 7 • The Plaintiff has designated 9 trial expert witnesses and
 - 8 21 expert treating physicians. These depositions have
 - 9 either been scheduled or the parties are working together
 - 10 to do so.;
 - 11 • The defendant has designated 7 experts and two rebuttal
 - 12 experts. These depositions have either been scheduled or
 - 13 the parties are working together to do so; and
 - 14 • Both parties have filed discovery motions that have now
 - 15 been ruled upon.

16
17 Despite these efforts, the parties are still faced with a
18 very complex products liability matter, voluminous medical
19 records and design documents, potentially in excess of 20 expert
20 depositions, as well as additional FRCP 30(b)(6) depositions of
21 the defendants. The parties have been working together on dates
22 for these depositions and many of them have already been
23 scheduled for dates ranging from October, 2011 to February,
24 2012.
25

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For all these reasons, the parties request the following
Discovery Deadlines:

Event	Previous Deadline	New Deadline
Deadline to amend pleadings or add parties	September 16, 2010	September 16, 2010
Expert Disclosures	November 1, 2010	November 1, 2010
Rebuttal Expert Disclosures	February 25, 2011	February 25, 2011
Discovery Cut-off	June 24, 2011	March 30, 2012
Parties' Interim Status Report	April 25, 2011	December 29, 2011
Dispositive Motions	August 8, 2011	May 15, 2012
Pretrial Order	September 7, 2011	June 15, 2012

These modifications to the current Scheduling Order are not sought for the purpose of delay or to frustrate the progress of this case, and are sought only to give the parties additional time to complete the discovery necessary, that is consistent with the rulings of this Court and to prepare this matter for trial. As the Court has not yet set a trial date in this matter, permitting the above requested extensions to the current Scheduling Order will neither interfere with any existing pre-trial obligations nor delay the progress on this case for trial.

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IT IS SO STIPULATED.

DATED this ____ day of October, 2011.


BY /s/ Clay Robbins
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TRW Automotive U.S. LLC

IT IS SO ORDERED this 20th day of October 2011.



U.S. MAGISTRATE JUDGE